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Seed Regulation Proposed Changes

Recently an ad hoc group of seed industry representatives met with the Colorado Department of Agriculture to discuss issues pertinent to the seed industry and recommended several changes.

- It was proposed that germination tests will be valid for 16 months for cool season grass seed, instead of 13 months that is enforced now for all seeds. It will allow grass seed companies to market their product for two growing seasons on the basis of one germination test. The change is being allowed because cool season grasses, generally, maintain their germination and do not fall out of tolerance after one year. If the company wants to offer these lots of seed for a third season, then the germination information would need to be updated. Cool season grasses include Kentucky bluegrass and perennial ryegrass among a few other types.
- The ad hoc committee recommended that the Department adopt a list of kinds of seed that will be allowed to be labeled as to total viability of seed in place of a traditional germination test, presently mandated for all kinds of seed. This procedure would apply to some kinds of seed but not all. There are specified testing standards used by certified seed labs to test over 670 kinds of seed. For those kinds of seed that do not have standards written for them, then the seed companies would be allowed to arrive at a total viability percentage through a testing procedure called TZ.

TZ is an abbreviation for a chemical called tetrazolium- it is a dye that stains live tissues within a seed. The seed lab would then determine what percentage of a lot is viable and what percent is dead. The TZ test is not a germination test and the labels on seeds allowed to be labeled with a TZ test will be clearly labeled that the viability was determined using a TZ test. This TZ test would not be allowed to substitute for the germination test on most common kinds of seed, like corn, wheat, Kentucky bluegrass and many others. However, it would be allowed to replace the germination test for those kinds that are difficult to get to germinate in a traditional growth chamber germination test and also for those seeds that do not have established testing procedures. This would include species like sage brush, four-winged salt bush, Indian ricegrass among many other kinds of seed.

- The ad hoc group also recommended that the rules and regulations for the Colorado Seed Act be amended to make it a requirement that any lot of seed being offered for sale in Colorado containing genetically modified organism (GMO) seed must be identified on the label as containing GMO seed. That way, regulatory oversight is intact and the public can be protected.

Presently, there is a considerable amount of GMO seed sold in the state. Under current law, any lot of seed offered for sale in Colorado that contained traits derived from genetic engineering would not have to be labeled as containing GMO seed, if the labeler chose not to disclose that information on the label.

In Colorado the seed label has to contain certain information such as purity, germination, inert matter and the like. The label cannot contain any false or misleading information. However, leaving off an important piece of information, such as that the lot contained GMO seed, would not

be a violation of the Colorado Seed Act, or the rules and regulations since it cannot be construed as false or misleading.

There was a case in another state where a lot of seed came from a field of seed that was being grown on contract for a company wanting to market GMO seed. The field failed the quality specifications and the company did not purchase the seed. The grower then had the seed cleaned and bagged and a "conventional" label was placed on the bags. No information was placed on the label indicating that over 90% of the seed in the lot contained GMO seed.

The state agriculture department pulled a routine sample and the analysis revealed that the lot contained GMO seed. All information on the label was accurate, such as germination and purity. The grower just chose not to disclose the GMO content of the seed. Presently, in Colorado, our department could not stop-sale that seed for not disclosing the fact that the seed contained GMO traits.

These proposed changes would become effective only after the official rules and regulations for the Colorado Seed Act are modified which will take several months. A public hearing will be held to receive input on these proposed rules changes.